

Notice of Allowability

Application No.

09/868,938

Examiner

Timothy P. Solak

Applicant(s)

NISHIO ET AL.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received on 12/02/2004.
2. ☒ The allowed claim(s) is/are 7-12.
3. ☒ The drawings filed on 19 March 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

In Claim 10, last line, "inclined.." has been deleted and --inclined.-- substituted therefore.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the prior art of record, does not teach or make obvious the apparatus of Claims 7 and 10, specifically a bellows including extending and contracting portions configured by forming ridge-like folds and valley-like folds in a vertically alternate and continuous manner, which are extendingly and contractingly deformable in an axial direction said axial direction defining a vertical axis; but more specifically said extending and contracting portion of said bellows is formed into a shape in which a lower one of upper and lower lamella portions of each of said ridge-like folds is inclined downwardly toward said vertical axis, not only in an extending state but also in a contracting state, and in the contracting state, the upper lamella portion of each ridge-like fold is formed to be downwardly inclined.

Bellows, including extending and contracting portions configured by forming ridge-like folds and valley-like folds in a vertically alternate and continuous manner are well known within the art, such as those disclosed by Thomin (WO 99/31388P) in Figure 2. Thomin's bellows 18 expand and contract in an axial direction (top to bottom of page) defining a vertical axis along rod 28. As depicted, in the state of contraction in Figure 2, the lower lamella portions of said ridge-like folds are inclined downward toward said vertical axis and the upper lamella portions are inclined in an opposite direction. As rod 28 moves downward from the position depicted in Figure 2 to a maximum contracted position, the upper and lower lamella will incline into a horizontal direction with respect to the vertical axis. Thomin does not teach or make obvious, in a contracting state, the upper lamella portion of each ridge-like fold is formed to be downwardly inclined. At any position between that depicted in Figure 2 and the maximum contracted position, the upper lamella will always be inclined in a direction opposite the lower lamella.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Numbering

Claims 7-12 have been renumbered for allowance as Claims 1-6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P. Solak whose telephone number is 571 272-4833. The examiner can normally be reached on Monday through Friday from 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


tps

January 6, 2005


CHERYL TYLER
SUPERVISORY PATENT EXAMINER